

BEFORE THE
ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF:

ROBERT E. KULASIK,

Complainant,

VS .

No. 12-0088

COMMONWEALTH EDISON COMPANY,

Respondent.

Complaint as to billing/
charges in Northbrook,
Illinois.

Chicago, Illinois

March 22, 2012

Met, pursuant to notice, at 12:00 p.m.

BEFORE:

Ms. Leslie D. Haynes, Administrative Law Judge

APPEARANCES :

MR. ROBERT E. KULASIK
1864 Mission Hills Lane
Northbrook, IL 60062
(773) 625-6826
appearing pro se;

1 APPEARANCES (cont.):

2 MR. MARK L. GOLDSTEIN
3 3019 Province Circle
4 Mundelein, IL 60060
5 (847) 949-1340
6 for the respondent.

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I N D E X

<u>Witnesses:</u>	<u>Direct</u>	<u>Cross</u>	<u>Re- direct</u>	<u>Re- cross</u>	<u>By Examiner</u>
None.					

E X H I B I T S

<u>Number</u>	<u>For Identification</u>	<u>In Evidence</u>
None.		

1 JUDGE HAYNES: Pursuant to the direction of the
2 Illinois Commerce Commission, I now call
3 Docket 12-0088. This is the complaint of Robert
4 Kulasik --

5 MR. KULASIK: Kulasik.

6 JUDGE HAYNES: -- Kulasik versus Commonwealth
7 Edison, complaint as to billing or charges in
8 Northbrook, Illinois.

9 May I have your name and address for
10 the record, please.

11 MR. KULASIK: Robert Edward Kulasik. That's
12 K-u-l-a-s-i-k. 1864 Mission Hills Lane, Northbrook,
13 Illinois, 60062.

14 JUDGE HAYNES: Thank you.

15 MR. GOLDSTEIN: For Commonwealth Edison
16 Company, Mark L. Goldstein, 3019 Province Circle,
17 Mundelein, Illinois, 60060. My telephone number is
18 (847) 949-1340. With me this afternoon is Erin
19 Buechler of ComEd.

20 JUDGE HAYNES: Thank you.

21 So I usually like to start with giving
22 a short summary of the process here at the

1 Commission. Today is most likely just a status
2 hearing unless parties are ready to go ahead with the
3 evidentiary hearing. And at the first -- at the
4 initial hearing, I like to give parties an
5 opportunity to see if they can work it out. And if
6 that isn't possible, then I make sure that the
7 parties exchange any documents they might have or at
8 least exchange addresses so they can exchange
9 documents through the mail, in other words conduct
10 discovery prior to the evidentiary hearing.

11 And at the evidentiary hearing is the
12 time when the parties would present any evidence they
13 might have. Any testimony you'd have you would give
14 at that time. And the company -- the complainant
15 would go first, and the company would have an
16 opportunity to cross-examine you. Then the company
17 would present their witnesses, and you could ask
18 questions of the company witnesses.

19 And I don't issue a ruling at that
20 evidentiary hearing. After that, I issue a written
21 ruling based on the evidence presented at that
22 hearing.

1 So if you have any questions, feel
2 free.

3 MR. KULASIK: No.

4 JUDGE HAYNES: Okay. I did note your complaint
5 was very short. You get points for shortness.

6 But just to make sure I understand
7 what your complaint is saying hear and based on --
8 this is a canceled check that's attached to your
9 complaint -- is what you're saying that you sent them
10 this check and they didn't credit your account for
11 it?

12 MR. KULASIK: That's it.

13 JUDGE HAYNES: That's it. Okay.

14 Mr. Goldstein, would you like --

15 MR. GOLDSTEIN: Yeah. For the record -- and
16 your Honor well knows this -- I ordinarily do not
17 make any proposal to settle the matter on the record,
18 but I'm going to do it anyway in this instance.

19 JUDGE HAYNES: Okay.

20 MR. GOLDSTEIN: The company is willing to
21 credit the complainant the \$475 that's in dispute --

22 JUDGE HAYNES: Okay.

1 MR. GOLDSTEIN: -- to his account.

2 On the other hand, the address -- what
3 the company will do is go back and debit the account
4 of the complainant's son at a different address. And
5 in the event that his son fails to make that payment,
6 the \$475 in addition to his regular electric bills,
7 obviously the company would send a disconnection
8 notice and may ultimately disconnect service.

9 JUDGE HAYNES: Okay. You've lost me here.

10 MR. GOLDSTEIN: The problem is, Judge, that the
11 account -- the check that is in question -- I guess
12 the best way to explain it is that there's an account
13 in the name of James Kulasik who I believe is Robert
14 Kulasik's son at 717 South Clifton in Park Ridge.
15 That account is being billed actively. The \$475 in
16 question -- let me backtrack.

17 The bills that Mr. Kulasik --

18 MR. KULASIK: What does this have to do with
19 me, your Honor?

20 JUDGE HAYNES: I'm trying to figure it out. I
21 think he's trying to explain it.

22 MR. GOLDSTEIN: The bills that Mr. Kulasik

1 receives, the complainant receives for the Northbrook
2 property is mailed to that 717 South Clifton address.
3 And the check that is in question, if your Honor will
4 note, it's in Mr. Kulasik's name and his checks also
5 are at the 717 South Clifton address. Actually the
6 \$475, based upon all of that, was credited to that
7 South Clifton address.

8 We're willing to remove it from the
9 South Clifton address, place it on Robert Kulasik's
10 Mission Hills address in Northbrook. And that would
11 mean that there would be a balance due and owing on
12 the South Clifton address.

13 I don't know if I made it any clearer
14 or not.

15 JUDGE HAYNES: I think I understood what you
16 said.

17 Is that your understanding of what's
18 happened here?

19 MR. KULASIK: I'm just here to find out why
20 they didn't put the money in my account and refuse to
21 do so. That's my only purpose in coming here, your
22 Honor.

1 JUDGE HAYNES: Okay.

2 MR. KULASIK: And I've spent a lot of time, a
3 lot of correspondence talking with the corporation.
4 And all I ever got from them was the runaround. And
5 I had to come all the way down here. I'm a cripple.
6 It's difficult to travel. I have to pay parking.

7 JUDGE HAYNES: Sure.

8 MR. KULASIK: I have to travel on the Elevated
9 which I'm unsteady. I'm afraid of falling. I have a
10 bad hip. I have a bad wrist. And I really am just
11 interested in getting a ruling from your Honor
12 stating that they owe me my money. I would rather
13 have the Commerce Commission say these people were at
14 fault and make a formal ruling. I'm not interested
15 in settling, whatever that means.

16 JUDGE HAYNES: Is your son at this -- does your
17 son have an address at the 717 Clifton address?

18 MR. KULASIK: Yes. But I can't testify for my
19 son. I'm just testifying -- I paid them the money
20 like I have for 50 years. They refuse to deposit it
21 to my account. Numerous conversations with the folks
22 in Springfield, the young lady whose name appears on

1 that check. I went through a lot of time and bother
2 and the rudeness I received was -- you know, would
3 like to note for the record -- was unbelievable. I
4 was treated like a common criminal by this
5 corporation; I mean, in a matter where you have a
6 document that shows they received the funds.

7 What they do with the funds -- I
8 assume they pay their lawyers with some of the funds.
9 And they refuse -- showing that they deposited it in
10 their account and refused to credit my account. I
11 have no idea why they did that. And I think they
12 ought -- with taking up the time of my time and the
13 Court's time, they should offer a reason for their --
14 a reason for doing this, for the recalcitrant manner
15 that they've treated both you and me, your Honor.

16 JUDGE HAYNES: So your ComEd bills for the
17 Northbrook address are sent to Clifton Avenue?

18 MR. KULASIK: I have an office there.

19 JUDGE HAYNES: At which one?

20 MR. KULASIK: At both places.

21 JUDGE HAYNES: Okay. So the bills for Mission
22 Hills are sent to the Clifton Avenue address?

1 MR. KULASIK: I believe they are, yes.

2 JUDGE HAYNES: Okay.

3 MR. KULASIK: I collect mail at both places.

4 It doesn't matter to me. Either place. I go to both

5 places every day.

6 JUDGE HAYNES: Okay. And are you aware if your

7 son's account has been credited for the 475?

8 MR. KULASIK: I have no idea. I can't testify

9 for my son. That would be hearsay.

10 JUDGE HAYNES: I asked if you were aware if

11 that had happened.

12 MR. KULASIK: I have no idea what happened.

13 So I would like to proceed to the next

14 step and we can get a formal ruling, or you can issue

15 a formal ruling today and I won't bother coming back.

16 JUDGE HAYNES: It sounds as though the company

17 agrees that your check was credited to your son's

18 account.

19 MR. KULASIK: I have no idea what they did with

20 my money. I don't think I'm responsible for what

21 they did with my money. I just want my money. They

22 can write me a check for the money. I believe my

1 account is currently current, your Honor. So that
2 means I had to divert funds from my medical bills to
3 pay these folks. I think they've treated me
4 shabbily.

5 JUDGE HAYNES: So in other words, you might
6 have paid 475 twice then is what you're saying
7 because if you're current --

8 MR. KULASIK: Right. My account, I believe, is
9 current from the billing that they send me.

10 MR. GOLDSTEIN: We're willing to credit his
11 account the \$475, Judge.

12 JUDGE HAYNES: So that's still due on his
13 account then?

14 MS. BUECHLER: No. His account is current. So
15 there's a zero balance, so it would be an excess
16 credit for the 475.

17 MR. KULASIK: I would rather have my cash.

18 MS. BUECHLER: Or we can issue a payment in
19 that amount.

20 MR. GOLDSTEIN: We'll issue a check.

21 MS. BUECHLER: Yeah. We can issue a check.

22 MR. KULASIK: When?

1 MS. BUECHLER: I think it takes 14 days for
2 them to process, but I can see --

3 MR. KULASIK: I see. See, once again, I'm out
4 all this time with my money.

5 MS. BUECHLER: I can see --

6 MR. KULASIK: I have monstrous medical bills.
7 I'm a very ill man. I have 18 doctors. This is one
8 of the few days I'm not seeing a doctor. I was at
9 the doctor's office yesterday. I have to go see my
10 urologist next week. I have to see my psychiatrist.
11 This matter has caused me a ton of anguish. I mean,
12 I don't license these people.

13 JUDGE HAYNES: Sure.

14 MR. KULASIK: That's the responsibility of the
15 State.

16 JUDGE HAYNES: Here's what would happen: If we
17 went to an evidentiary hearing --

18 MR. KULASIK: Yes.

19 JUDGE HAYNES: -- if you don't settle this, you
20 would have to come back again --

21 MR. KULASIK: I've been to court lots of times.
22 That's what I prefer.

1 JUDGE HAYNES: It would be months.

2 MR. KULASIK: I understand.

3 JUDGE HAYNES: And the end result, if

4 everything said here was true, would be me telling

5 ComEd to issue you a check for \$475.

6 MR. KULASIK: That's what I would like to do,

7 your Honor.

8 JUDGE HAYNES: Okay. You don't want it in

9 14 days; you want it months from now?

10 MR. KULASIK: Whenever the Court rules.

11 MR. GOLDSTEIN: That's fine with me.

12 JUDGE HAYNES: Well --

13 MR. KULASIK: I have a policy.

14 JUDGE HAYNES: Uh-huh.

15 MR. KULASIK: I never settle.

16 JUDGE HAYNES: So, ComEd, are you prepared to

17 go to evidentiary hearing today? You don't have a

18 witness.

19 MR. GOLDSTEIN: Do we need a witness?

20 MS. BUECHLER: I don't think we need a witness.

21 Whatever you think.

22 JUDGE HAYNES: We're going to take a quick

1 break, and I'll be back in about five minutes. Okay?

2 MR. GOLDSTEIN: Okay.

3 (Whereupon, a recess was taken.)

4 JUDGE HAYNES: Let's go back on the record.

5 MR. GOLDSTEIN: Let me make this suggestion,

6 Judge.

7 JUDGE HAYNES: Uh-huh.

8 MR. GOLDSTEIN: As I previously stated, the

9 company is going to make a \$475 credit to --

10 JUDGE HAYNES: A check I believe you agreed to.

11 MR. GOLDSTEIN: Either way.

12 JUDGE HAYNES: Okay.

13 MR. GOLDSTEIN: We'll issue a check to the

14 complainant for \$475. We would ask that the matter

15 be continued over for about 30 days or more just to

16 make sure that the check is issued in a relatively

17 expedited manner. And we believe then that the

18 complaint then becomes moot.

19 JUDGE HAYNES: Okay.

20 MR. KULASIK: That's unacceptable to me. I

21 want a formal hearing. I want a formal ruling.

22 JUDGE HAYNES: Okay. Well, then, I'll give you

1 one.

2 This matter has clearly been resolved
3 in that the company has agreed to issue a check for
4 \$475 which is the amount that you requested. And
5 this Commission is on a very tight budget. And it's
6 a waste of time and expense and the resources here at
7 this Commission, and nothing further could be granted
8 to you. I don't have the power -- the Commission
9 doesn't have the power to award additional damages in
10 the form of reimbursing you for your time and expense
11 for coming here or any additional cost besides the
12 amount you've asked for and the billing error that
13 happened. So the most that could be granted to you
14 would be \$475.

15 And I agree with Mr. Goldstein that
16 once a check has been issued for the amount in
17 dispute, there is nothing left to be resolved. And
18 at that point I would entertain a motion to dismiss
19 from the company.

20 And I think that one month might not
21 be enough and --

22 MR. KULASIK: We could come back in a year,

1 your Honor.

2 JUDGE HAYNES: I would continue it for two
3 months I think would be better. And the company is
4 free to file a motion to dismiss before that time.
5 And if the check has been issued, then there would be
6 no reason for anyone to come back because then there
7 would be no issue to be resolved.

8 So in the unlikely event that the
9 company doesn't issue this check within the next two
10 months, I propose May 24th at noon. However, there
11 will be no -- I will cancel the hearing if this check
12 is issued and so then you won't have to come back
13 again; the hearing will be canceled. This is only in
14 the event that they don't issue you your check.

15 Do you have any questions?

16 MR. KULASIK: I don't quite grasp the concept.

17 JUDGE HAYNES: Well, the concept is that they
18 haven't --

19 MR. KULASIK: They're at fault and you're
20 ruling that now they're not at fault?

21 JUDGE HAYNES: There's no fault finding here.
22 They're giving you what you've asked for here. So

1 there is no matter in dispute.

2 MR. KULASIK: They had my money for over a
3 year, your Honor. They don't even offer a letter of
4 apology. This gentleman who represents this
5 corporation, a monster -- multibillion dollar
6 corporation, can't even say, We're sorry,
7 Mr. Kulasik, we put you through all this trouble. I
8 mean, I thought you were the representative of the
9 People, and the People deserve an apology.

10 JUDGE HAYNES: The only thing I could --

11 MR. KULASIK: It's never about money with me,
12 your Honor. I don't even care about the money. I
13 want an apology.

14 JUDGE HAYNES: The only thing I could give
15 you -- because in your complaint you asked for
16 \$475 --

17 MR. KULASIK: I see.

18 JUDGE HAYNES: -- the only thing I can give you
19 is \$475, and they've agreed to give that to you.

20 MR. KULASIK: Well, we'll see, won't we, your
21 Honor?

22 JUDGE HAYNES: That's true.

1 MR. KULASIK: They haven't in the past.

2 JUDGE HAYNES: They haven't done it yet.

3 MR. KULASIK: There's no proof that they have.

4 JUDGE HAYNES: If they don't do it, I will see
5 you May 24th.

6 And beyond that, if we did anything
7 else, it would be a waste of the Commission's time
8 and resources.

9 MR. KULASIK: As has been mine.

10 JUDGE HAYNES: Okay, then. We are continued
11 then until May 24th at 12:00 o'clock. Thank you.

12 MR. GOLDSTEIN: Thank you, Judge.

13 MS. BUECHLER: Thank you, Judge.

14 (Whereupon, the above-entitled
15 matter was continued to May 24,
16 2012, at 12:00 p.m.)

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